

### REMARKS

Claims 1-6 and 27 have been amended. This amendment is supported at page 2, line 20, to page 3, line 4, and page 9, line 16, of the specification. Claim 28 is added. Support for this additional claim is found in Claims 1 and 16. No new matter is believed to be introduced by the amendments and the addition this claim.

Claims 1-28 are pending. Favorable reconsideration is respectfully requested.

At the outset, Applicants thank Examiner Corbin for the courteous and helpful discussion of the present application held on June 17, 2003, and for indicating that the above amendment, combined with the remarks below, would further favorable prosecution of the present application. Further, Applicants thank Examiner Corbin for indicating that Claim 16 is allowable. The Examiner's attention is drawn to new Claim 28 which is the equivalent to previously pending Claim 16 that has been rewritten in independent form, incorporating the embodiments of previously pending Claim 1 therein.

The present invention relates to a method of preventing fish from browning or darkening by treating whole fish that may or may not possess browning or darkening with an aqueous alkali solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof. Further, the treatment is provided at a temperature of from 0 to 10°C in the absence of peroxide or chlorine.

Also, the present invention relates to a method of preventing fish from browning or darkening by treating whole fish that may or may not possess browning or darkening with an aqueous alkali solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium

hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof and then washing off or neutralizing the aqueous alkali solution attached to the treated whole fish. The neutralizing of the aqueous alkali solution attached to the treated whole fish is performed during the course of boiling the whole fish in a solution of from 1 to 10% salt water by mass.

The present invention also relates to fish that are produced from any of the above-mentioned methods.

The claimed method does not simply mask the browning or darkening that may be present on a fish. Rather, the darkening or browning disappears and/or is prevented from appearing as a result of the claimed method (see page 13, lines 6 to 8).

The rejections of the claims under 35 U.S.C. §102(b) and/or §103(a) over Bender et al., Banks et al., and/or combinations thereof are believed to be obviated by the above amendments combined with the remarks below.

Bender et al. disclose, at best, a process for treating fish and shellfish with a solution of trialkali metal orthophosphate to prevent the growth of microorganisms (see column 3, line 39). Bender et al. fail to describe treating a fish with a solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof. Moreover, Bender et al. fail to suggest treating a fish with a solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof. Finally, Bender et al. disclose that their treatment requires steam that is about 100°C to about 116°C (see column 2, lines 1-9). Therefore, Bender et al. fail to describe or suggest the claimed method in which the initial

treatment is performed from 0 to 10°C. In fact, Bender et al. teach away from a treatment from 0 to 10°C in light of the above.

Banks et al. discloses, at best, a process for bleaching dark fish meat by initially treating the flesh of fish with hydrogen peroxide and/or chlorine (see the Examples at pages 2-3). Banks et al. fails to disclose or suggest a process in which the fish flesh is not initially treated in the absence of hydrogen peroxide and/or chlorine. In fact, Banks et al. teaches away from a process that initially treats fish in the absence of hydrogen peroxide and/or chlorine.

In light of the above, both Bender et al. and Banks et al. fail disclose or suggest a method that involves an initial treatment step in the absence of hydrogen peroxide and/or chlorine at a temperature of from 0 to 10°C. In fact both, Bender et al. and Banks et al. teach away from the claimed invention because both teach away from a method having an initial treatment step in the absence of hydrogen peroxide and/or chlorine at a temperature of from 0 to 10°C. Accordingly, withdrawal of all the above grounds of rejection is respectfully requested.

The rejection of Claims 1-6 under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendments submitted above. More specifically, Claim 1 is related to a method of preventing whole fish from browning or darkening, while Claim 2 is drawn to a method of treating the whole fish having browned or darkened skin. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is now in condition for allowance.  
Early notice to this effect is earnestly solicited. If there are any further matters that must be addressed regarding the prosecution of the present application, Applicants respectfully request that the Examiner contact the attorney of record.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Thomas W. Barnes III, Ph.D.  
Registration No. 52,595



**22850**

(703) 413-3000  
Fax #: (703) 413-2220  
NFO/TWB